

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS**

BILLY VAUGHN,

Plaintiff,

v.

ROBERT JAMES & ASSOCIATES,

Defendant.

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No.

PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL

BILLY VAUGHN (Plaintiff), through his attorneys, KROHN & MOSS, LTD., alleges the following against ROBERT JAMES & ASSOCIATES, (Defendant):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).
2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

JURISDICTION AND VENUE

3. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."
4. Defendant conducts business in the state of Texas, and therefore, personal jurisdiction is established.
5. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

PARTIES

6. Plaintiff is a natural person residing in Pasadena, Harris County, Texas.
7. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)*.
8. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)*.
9. Defendant is a national debt collection company and conducts business in Texas.

FACTUAL ALLEGATIONS

10. Defendant constantly and continuously places calls to Plaintiff regarding a debt Plaintiff does not owe.
11. Defendant calls Plaintiff and asks for someone by the name of Cassie Kelly.
12. Defendant calls Plaintiff from one (1) to two (2) times a day almost everyday since early April 2011.
13. Defendant calls Plaintiff on his cellular telephone at 832-407-7932 and asks that Plaintiff return the call at 716-242-7582.
14. Defendant has informed Defendant several times that he is not Cassie Kelly and that the person Defendant is trying to reach cannot be reached at this number.
15. Despite this information, Defendant continues to call Plaintiff, still asking for Cassie Kelly.

COUNT I DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

16. Defendant violated the FDCPA based on the following:
 - a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt.

- b. Defendant violated §1692d(5) of the FDCPA when Defendant caused Plaintiff's telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.

WHEREFORE, Plaintiff, BILLY VAUGHN, respectfully requests judgment be entered against Defendant, ROBERT JAMES & ASSOCIATES, for the following:

17. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
18. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k* , and
19. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

Dated: May 12, 2011

By: /s/Michael Agruss,
Michael Agruss Esq.
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DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, BILLY VAUGHN, demands a jury trial in this case.

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF TEXAS

Plaintiff, BILLY VAUGHN, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, BILLY VAUGHN, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

05-06-11

Date

Billy Vaughn
BILLY VAUGHN